



TFW 1626

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Butora, et al.

Serial No.: 10/528,329

Case No.: 21054P

Art Unit:
1626

Filed: March 18, 2005

Examiner:
J. Nolan

For: GAMMA-AMINOAMIDE MODULATORS OF
CHEMOKINE RECEPTOR ACTIVITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION / RESTRICTION REQUIREMENT

Applicants hereby respond to the Election / Lack of Unity Restriction Requirement dated September 19, 2006.

Applicants are required to elect a single invention. Subject to the traversal contained in the remarks provided below, Applicants provisionally elect Group I, claims 1-23, drawn to products of the Formula I, wherein W is carbon, n is 1 (such that a six-membered ring is formed), X and R⁵⁻¹² are as defined in claim 1, and R³ and R⁴ are joined to form a ring. It is applicants understanding that Group I as defined above includes, but is not limited to, the structures described in claim 2 as formula Ib. This understanding was confirmed by the Examiner via telephone on September 29, 2006. Applicants reserve the right to file a divisional application directed to the non-elected subject matter.

Further, Applicants respectfully point out that all of the compounds recited in claims 1-23 share numerous common structural features. This election is made with traverse because it is believed there is sufficient structural similarity among the compounds recited in claims 1-23 to present and examine this subject matter in a single application. Given the commonality of the subject matter of claims 1-23, examination of claims 1-23 does not place a serious search burden upon the Examiner. Applicants therefore respectfully request that claims 1-23 be examined in this application.

If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Attorney for Applicants can be reached at the telephone number and address below. Correspondence should continue to be sent to the address below. Although no fees are believed to be due, any fees occasioned by this paper or any fee overpayments should be charged or credited to Deposit Account **13-2755**.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By *D. Reynolds* Date 9/29/06

Respectfully submitted,

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Date: September 29, 2006